

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KENSLEY GAUER,

Plaintiff,

v.

Case No. 18-C-515

NANCY BERRYHILL,

Defendant.

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff Kensley Gauer has filed a complaint seeking review of the decision of the Commissioner of Social Security. Plaintiff has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915. An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting an inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff filed the required affidavit of indigence.

Upon review of that affidavit, it appears that Plaintiff may have been confused in completing the form. Plaintiff’s response to the first question indicates current employment. The second part of that question, which was to be completed if *not* employed, remained blank as well. If not employed, it should have noted the month and year **last** employed and the monthly income at that time. However, under “other circumstances” plaintiff states “I am not currently employed as I am disabled”. In question number five, plaintiff lists a monthly income of \$950.00, but lists only \$447.00

in expenses, leaving \$503.00 per month in disposable income. Plaintiff lists no other rent, mortgage, car, insurance, or other payments. The form is very basic, and presumably counsel reviews the form prior to submission. Without complete information, the court is unable to grant the request to proceed without payment of the filing fee. Since it is unclear whether the plaintiff is employed and why the \$503.00 per month in disposable income is not used to pay the filing fee, the motion is denied.

Accordingly, Plaintiff's request to proceed *in forma pauperis* is denied and Plaintiff shall either pay the filing fee within 21 days of the date of this order or submit a revised motion to proceed *in forma pauperis* clarifying the information noted above. If plaintiff fails to do either within the next 21 days, the case will be dismissed.

Dated this 10th day of April, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court